

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KILLER JOE NEVADA, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 13-2528-STA-dkv
)	
DOES 1-12,)	
)	
Defendants.)	

KILLER JOE NEVADA, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 13-2529-STA-dkv
)	
DOES 1-10,)	
)	
Defendants.)	

KILLER JOE NEVADA, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 13-2530-STA-dkv
)	
DOES 1-13,)	
)	
Defendants.)	

ORDER TO SHOW CAUSE

Before the Court is Plaintiff Killer Joe Nevada, LLC's Complaints for copyright infringement, originally filed on April 21, 2013, in the United States District Court for the Eastern District of Tennessee. On April 24, 2013, Plaintiff filed identical motions for discovery in these matters. Thereafter, the cases were transferred to this Court from the Eastern District of Tennessee on July 16, 2013, and the Court referred Plaintiff's motions for discovery to the United States Magistrate Judge for determination. On October 22, 2013, the Magistrate Judge entered an order granting Plaintiff's motions to serve expedited discovery on non-party ISPs before a Rule 26(f)

conference would occur (D.E. # 11). The Magistrate Judge's order required Plaintiff to serve on each of the ISPs listed in Plaintiff's five Complaints a copy of the order and a Rule 45 subpoena requesting each subscriber's name, address, telephone number, email address, and Media Access Control address. The Magistrate Judge also set forth deadlines for the ISPs to serve the subpoenas on the subscribers and for the subscribers to respond. No further activity has taken place in this case since the Magistrate Judge entered her order.

On March 19, 2014, the Court ordered Plaintiff to submit a status report informing the Court about the steps that have been taken up to this point, what additional information Plaintiff requires, and what additional steps Plaintiff needs to take before it will be ready for a Rule 16(f) conference. Plaintiff's response to the Court's order was due within ten (10) days of the entry of the order. To date, Plaintiff has failed to respond.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time.”¹ Almost a full year has now passed since the filing of Plaintiffs' Complaint and more than 120 days since the entry of the Magistrate Judge's order granting Plaintiff's request for discovery. However, there is no evidence that Plaintiff has successfully served any Defendant named in any of the cases before the Court. To date, no Defendant has answered or appeared to defend, and Plaintiff has failed to take any further action against any Defendant.

Therefore, Plaintiff is ordered to show cause as to why these cases should not be dismissed for failure to comply with the previous orders of the Court, for failure to effect service within 120

¹ Fed. R. Civ. P. 4(m).

days pursuant to Rule 4(m), and otherwise for failure to prosecute under Rule 41(b). Plaintiff's show cause response is due on or before April 18, 2014. Failure to respond by that date will be deemed good grounds to dismiss Plaintiffs' cases without further notice.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: April 4, 2014